

Message Text

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PAGE 01 KHARTO 01276 060929Z

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ACTION SS-30

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FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC PRIORITY 8275

S E C R E T KHARTOIM 1276

EXDIS

E.O. 11652: GDS

TAGS: PINS, SU

SUBJ: KHARTOUM TERRORISTS: SUGGESTED PRESIDENTIAL MESSAGE

REF: KHARTOUM 1262

1. SUHMARY: IN ORDER ASSURE NIMEIRI HIMSELF FULLY AWARE CONTINUING USG CONCERN RE APPROPRIATE PUNISHMENT BSO TERRORISTS, I RECOMMEND PERSONAL MESSAGE FROM PRESIDENT TO BE DELIVERED AT CONCLUSION JUDICIAL PROCESS BUT PRIOR NIMEIRI'S DECISION RE POSSIBLE EXECUTIVE CLEMENCY. END SUMMARY.

2. THROUGHOUT HISTORY BSO CASE, EMBASSY HAS RECOGNIZED THAT MOST SENSITIVE POINT IS LIKELY OCCUR FOLLOWING COMPLETION SUDANESE JUDICIAL PROCESS WHEN NIMEIRI FACED WITH NECESSITY DETERMINE WHETHER, AND TO WHAT EXTENT, HE SHOULD INVOKE EXECUTIVE CLEMENCY. IT NOW APPEARS CURRENT TRIAL LIKELY END MID-JUNE. WHILE WE EXPLORING WITH EMBASSY LAWYER PRECISE TIMING WITH RESPECT APPEAL PROCESS, SUCH STEPS EVIDENTLY PRIVATE AND WILL NOT INVOLVE FURTHER COURT SESSIONS. IT THEREFORE CLEAR WE APPROACHING MOMENT OF TRUTH. WHILE I HAVE HAD SUCCESS IN PAST SEEING PRESIDENT NIMEIRI AND WOULD URGE I BE INSTRUCTED TO DO SO FOLLOWING COMPLETION JUDICIAL PROCESS, GOS REGULATIONS ARE THAT NIMEIRI WILL NOT RECEIVE AMBASSADOR UNLESS HE BEARING PRESIDENTIAL MESSAGE. TO ASSURE I AM RECEIVED, AND TO MAKE CLEAR TO NIMEIRI SERIOUSNESS WITH WHICH WE CONTINUE VIEW

SECRET

SECRET

PAGE 02 KHARTO 01276 060929Z

THIS MATTER, I ACCORDINGLY RECOMMEND I BE INSTRUCTED

DELIVER TO HIM SOME MESSAGE FROM PRESIDENT ALONG FOLLOWING LINES AFTER COURT CASE COMPLETED. MESSAGE SHOULD NOT REPEAT NOT DIRECTLY ADVERT TO DECISION WHICH WITHIN GOS JURISDICTION BUT BY IMPLICATION SHOULD INDUCE NIMEIRI NOT REPEAT NOT MISCALCULATE RE USG ATTITUDE SHOULD PRISONERS GO FREE.

3. SUGGEST MESSAGE ALONG FOLLOWING LINES BEST CALCULATED MEET OUR NEEDS:

"EXCELLENCY:"

"I RECALL APPRECIATIVELY THE SENTIMENTS AND ACTIONS OF YOUR EXCELLENCY AND YOUR GOVERNMENT AT THE TIME OF THE DEATH OF MY THEN AMBASSADOR AND HIS DEPUTY IN KHARTOUM OVER A YEAR AGO. SINCE THAT TRAGEDY, BOTH MY GOVERNMENT AND THE AMERICAN PEOPLE HAVE WATCHED WITH UNDERSTANDING AND APPRECIATION THE STEADY COURSE OF SUDANESE JUSTICE. I WELL UNDERSTAND THE SPECIAL CIRCUMSTANCES WHICH HAVE MADE THIS A PARTICULARLY SENSITIVE ISSUE AND COMMEND BOTH THE FIRMNESS AND JUSTICE OF YOUR COUNTRY'S RENOWNED LEGAL SYSTEM, AS WELL AS YOUR EXCELLENCY'S OWN RESOLVE TO ASSURE THAT THIS DEEPLY EMOTIONAL ISSUE FOLLOW ITS NORMAL COURSE."
"REPOSING FULL CONFIDENCE IN YOUR EXCELLENCY'S ASSURANCES THAT JUSTICE WILL BE DONE, MY GOVERNMENT HAS CAREFULLY SOUGHT TO AVOID COMPLICATING THIS MATTER FOR YOU BY APPEARING IN ANY WAY TO INJECT OURSELVES IN WHAT IS OBVIOUSLY A MATTER FOR YOUR GOVERNMENT TO DECIDE IN ACCORDANCE WITH YOUR

OWN LEGAL AND CONSTITUTIONAL PROCESSES. NOW THAT THE COURTS HAVE COMPLETED THIS WORK, HOWEVER, I BELIEVE IT IS NOT INAPPROPRIATE FOR ME TO TAKE THIS OCCASION TO EXPRESS TO YOUR EXCELLENCY MY OWN DEEP APPRECIATION OF THE STEADFASTNESS WHICH YOU AND YOUR GOVERNMENT HAVE SO FAR SHOWN IN ASSURING THAT THIS MATTER IS DEALT WITH IN A MANNER WHICH UPHOLDS GENERALLY RECOGNIZED PRINCIPLES OF LAW AND DISCOURAGES FURTHER TRAGEDIES OF THIS TYPE. I WOULD BE LESS THAN FRANK WERE I NOT TO STRESS TO YOUR EXCELLENCY THE CONTINUING CONCERN OF MY GOVERNMENT AND THE AMERICAN PEOPLE THAT THIS MATTER BE BROUGHT TO AN ACCEPTABLE CONCLUSION. PARTICULARLY AT A TIME WHEN MY GOVERNMENT'S RELATIONS WITH YOUR

SECRET

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PAGE 03 KHARTO 01276 060929Z

GOVERNMENT AND OTHER KEY GOVERNMENTS IN THE ARAB WORLD ARE HAPPILY IMPROVING RAPIDLY, PUBLIC OPINION IN MY COUNTRY WOULD NOT UNDERSTAND ANY OTHER RESOLUTION TO THE PRESENT CASE. IT IS MY HOPE THAT THE HANDLING OF THIS ISSUE, IN WHICH YOUR OWN STATESMANSHIP AND THE OBVIOUS DESIRE FOR JUSTICE ON THE PART OF YOUR LEGAL SYSTEM HAVE PLAYED SUCH A CENTRAL ROLE, WILL SERVE TO CONTRIBUTE SUBSTANTIALLY TO THE FURTHER STRENGTHENING OF THE CORDIAL RELATIONS THAT NOW HAPPILY

EXIST BETWEEN OUR TWO COUNTRIES."

"I KNOW OF YOUR EXCELLENCY'S OWN POSITIVE INFLUENCE ON THE KEY REGIONAL ISSUES OF THE HOUR AND WISH TO ASSURE YOU THAT, FOR MY PART, I INTEND TO DEVOTE MY BEST EFFORTS TO ASSURING THAT RELATIONS BETWEEN THE AMERICAN AND ARAB PEOPLES WILL CONTINUE TO PROSPER IN THE YEARS AHEAD. MEANWHILE, MAY I AGAIN EXPRESS MY WARM THANKS FOR YOUR EXCELLENCY'S OWN POSITIVE AND CONSTRUCTIVE ROLE AND RENEW TO YOU THE ASSURANCES OF MY CONTINUING HIGHEST CONSIDERATION AND WARM PERSONAL REGARD.

SINCERELY YOURS,

RICHARD M. NIXON"

4. WHILE IT DIFFICULT BE TOO SPECIFIC SINCE JUDICIAL PROCESS NO YET COMPLETE, I BELIEVE LETTER ALONG FOREGOING GENERAL LINES SUFFICIENTLY GENERAL TO COVER CONTINGENCIES AND AT SAME TIME REMIND NIMEIRI OF OUR CONTINUING CONCERN THAT KHARTOUM MURDERERS SERVE SIGNIFICANT SENTENCES. IT WOULD OBVIOUSLY BE PREFERABLE DRAFT SUCH LETTER FOLLOWING CONCLUSION JUDICIAL PROCESS, BUT IN LIGHT PRESIDENT NIXON'S OWN HEAVY SCHEDULE AND LIKELIHOOD THAT WE MAY HAVE LITTLE TIME BETWEEN END COURT CASE AND SOME DECISION BY NIMEIRI, I BELIEVE I SHOULD HAVE SOME SUCH INSTRUCTIONS IN HAND FOR MY USE WITH PRESIDENT AT APPROPRIATE MOMENT HERE FOLLOWING CONCLUSION CURRENT COURT CASE.
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